

DELBERT PAUL WALKER,

99cv1860

ELECTRONICALLY FILED

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TAMMY FERGUSON, Superintendent of
SCI Benner Township, and ATTORNEY
GENERAL OF PENNSYLVANIA,

MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION

After de novo review of the motion, and the pleadings and documents in the case, together with the Report and Recommendation and Objections thereto, the Court concludes that Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge as to the disposition of this action. Petitioner has presented no "extraordinary circumstances" which would excuse his failure to bring this motion within a reasonable time. Therefore, the Motion for

Rule 60(b)(6) will be denied and a certified of appealability will not be issued. An appropriate Order follows:

AND NOW, this 20th day of April, 2016:

IT IS HEREBY ORDERED that the Motion for Rule 60(b)(6) [ECF No. 27] is **DENIED** and that a Certificate of Appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation [ECF No. 30] is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: DELBERT PAUL WALKER
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Rusheen R. Pettit
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(via ECF electronic notification)